**THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**W.P.No.5300 of 2007**
**Date: 16-05-2007**

**Between:**
Ankush Jhamb

Petitioner

And

The Regional Passport Officer,
Station Road,Secunderabad.

Respondent

**THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**W.P.No.5300 of 2007**

**ORDER**:

1. This writ petition has been instituted by one Ankush Jhamb, seeking correction of the entry relating to his date of birth in the passport. It is stated that at the time of filing of application, as his father was serving the Nation in Defence Services and there was nobody to assist his mother for obtaining the Passport, she solicited the help of an agent who entered his date of birth as 16.5.1984 instead of 16.5.1985 inadvertently. The passport bearing No. A3042923 was issued on 21.5.1997. Immediately on noticing the said wrong entry of his date of birth in the passport, he sought for correction of his date of birth as per the date of birth entry in his school leaving certificate but the respondent has directed him to obtain a declaratory decree from the competent Civil Court for entertaining such a claim. Hence, he has instituted this writ petition seeking a writ of Mandamus to direct the respondent to consider his application for correction of date of birth without insisting for a declaratory order from the civil court.

2. The learned Assistant Solicitor General who has been requested to take notice on behalf of the respondent and to assist the court had pointed out two aspects. 1) In all these kind of cases, the Regional Passport Officers are instructed by the Ministry of External Affairs, Government of India not to contest them as such corrections solicited in the Indian Passports are insignificant corrections not requiring any contest by the Union of India. The second aspect is that in fact, the Ministry of External Affairs in their circular dated 18-4-2001 has given detailed instructions in the mater as to how the claims relating to the correction of the entries of date of birth be dealt with. The following three clauses

have been spelt out therein: They are:

> *" i)Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.*
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> *ii)Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act,1997, a competent authority issuing a certificate could also make necessary amendments to the same.*
>
> *Iii)Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the application subsequently requests for a change on the basis of a certificate issued by another competent authority i.e. municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."*

3. A perusal of the above mentioned guidelines contained in circular dated 18th April,2001 of Ministry of External Affairs, Government of India, makes the position amply clear that where an applicant is seeking any rectification or correction of a mistake in the entry of the date of birth or place of birth in the passport, the Passport Issuing Authority may after verifying and satisfying himself carry out or effect the necessary correction treating the same as a technical error. In such type of cases there is no necessity to insist upon production of any declaratory order from any competent civil court. However, where the initial entry has been made on the basis of a supportive document issued by any of the competent authorities, any subsequent request for a change on the basis of a certificate issued by any other competent authority such as Municipal

Authorities, the Passport Issuing Authority should direct the applicant to obtain an order from a competent civil court having jurisdiction in the matter certifying the valid date of birth or place of birth.

4. In the instant case, at the time of filing of application his date of birth was mentioned as 16.5.1984 instead of 16.5.1985 inadvertently. It was accordingly issued bearing bearing the date "16.5.1984" as the date of birth. He is now seeking correction of his entry based on the date of birth entered in his school leaving certificate. He filed several material papers in support of his contention.

5. Having perused the same, this Court is satisfied that the error is a technical error that crept in at the time when the Passport bearing No. A3042923 was issued to the writ petitioner on 21.5.1997, erroneously recording his date of birth as 16-05-1984 instead of 16.5.1985. I therefore, direct the respondent to take all such necessary steps and measures to bring about the correction in the entry relating to the date of birth of the writ petitioner in his Passport as quickly as possible, at any rate, within a period of 15 days from the date of production of copy of this order before him by the writ petitioner.

5. With this, the writ petition stands disposed of. No order as to costs.

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NOOTY RAMAMMOHANA RAO,J

16-05-2007
Note: C.C. in two days.
(b/o)
MVB.

To
Sri S.T. Pasha,
Personal Secretary to Hon'ble NRR, J.

I bring it to your notice that yesterday i.e. on 16.5.2007 on the representation made by the learned counsel for the petitioner in W.P. No. 5300 of 2007 that this writ petition is similar to that of W.P. No. 5308 which was disposed of on 10.5.2007, his Lordship directed that similar order be typed in W.P. No. 5300 of 2007. When perused, several facts are not similar though the matter pertains to error in issuance of passport, hence they are changed while typing the order. Kindly bring the same to his Lordshp's notice.